

520 Rec'd PCT

14 OCT 1999

FORM PTO-1390
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

60480

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (If known, use 35 CFR 1.53)
09/403213INTERNATIONAL APPLICATION NO.
PCT/NL98/00213INTERNATIONAL FILING DATE
15 April 1998PRIORITY DATE CLAIMED
15 April 1997; 15 Nov. 1997TITLE OF INVENTION
A Gene Delivery Vehicle Expressing the Apoptosis-Inducing Proteins VP2 and/or *
APPLICANT(S) FOR DO/EO/US Noteborn, Matheus H.M. and Pietersen, Alexandra Maria

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☐ A substitute specification.
 15. ☐ A change of power of attorney and/or address letter.
 16. ☐ Other items or information:

* Apoptin

09/403213

INTERNATIONAL APPLICATION NO

ATTORNEY'S DOCKET NUMBER

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE |
|--------------------|--------------|--------------|------------|
| Total claims | 21 - 20 = | 1 | X \$18.00 |
| Independent claims | 1 - 3 = | | X \$78.00 |
| | | | + \$260.00 |

\$ 18.00

\$ 0

\$ 0

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

TOTAL OF ABOVE CALCULATIONS =

\$ 858.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 858.00

Amount to be:
refunded \$
charged \$

a. ☒ A check in the amount of \$ 858.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 03-3125. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SIGNATURE:

Robert D. Katz

NAME

30,141

REGISTRATION NUMBER

Dkt. 60480-PCT/RDK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Matheus H.M. Noteborn and Alexandra M. Pietersen
Int. Serial No.: PCT/NL98/000213
Filed : April 15, 1998
For : A GEN DELIVERY VEHICLE EXPRESSING THE APOPTOSIS-
INDUCING PROTEINS VP2 AND/OR APOPTIN

1185 Avenue of the Americas
New York, New York 10036
October 14, 1999

Assistant Commissioner of Patents
Washington, D.C. 20231
Box PCT

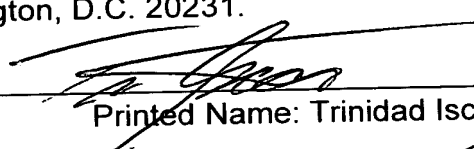
SIR:

EXPRESS MAIL
CERTIFICATE OF TRANSMITTAL
FOR ABOVE-IDENTIFIED APPLICATION

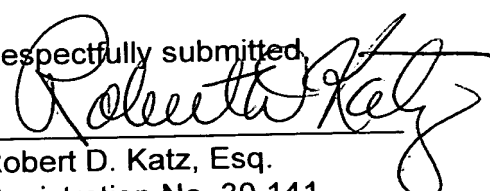
Express Mail mailing label number EJ 170 324 726US

Date of Deposit October 14, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231.


Printed Name: Trinidad Iscoa

Respectfully submitted,


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Registration No. 30,141
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New York, New York 10036
(212) 278-0400

Docket No. 60480

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(U.S. DESIGNATED OFFICE)

**APPLICATION FOR
UNITED STATES LETTERS PATENT**

**BASED UPON:
INTERNATIONAL APPL. NO. PCT/NL98/00213
UNDER PATENT COOPERATION TREATY**

INVENTORS: Matheus H.M Noteborn and
Alexandra Maria Pietersen

TITLE: A GENE DELIVERY VEHICLE
EXPRESSING THE
APOPTOSIS-INDUCING
PROTEINS VP2 AND/OR
APOPTIN

ATTORNEY: Robert D. Katz
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